

STATE OF MINNESOTA
OFFICE OF ADMINISTRATIVE HEARINGS

Timothy Glen Glidden,

Complainant,
vs.

ORDER OF DISMISSAL

Donald Betzold,

Respondent.

On December 6, 2006, Timothy Glidden filed a Complaint with the Office of Administrative Hearings alleging that Donald Betzold violated Minnesota Statutes § 211B.045 by failing to remove his campaign lawn signs within ten days after the November 7, 2006, general election.

The Chief Administrative Law Judge assigned the matter to the undersigned Administrative Law Judge on December 7, 2006, under Minnesota Statutes § 211B.33. A copy of the Complaint was sent by U.S. Mail to the Respondent the same day.

After reviewing the Complaint and supporting materials, the Administrative Law Judge finds that the Complaint does not set forth a claim against Senator Betzold, that if proven, would constitute a violation of Chapter 211A or 211B, and specifically Minn. Stat. § 211B.045.

Based upon the Complaint and the supporting filings and for the reasons set out in the attached Memorandum,

IT IS HEREBY ORDERED:

That the Complaint filed by Timothy Glidden against Donald Betzold is **DISMISSED**.

Dated this 8th day of December 2006.

/s/ Richard C. Luis

RICHARD C. LUIS
Administrative Law Judge

NOTICE

Under Minn. Stat. § 211B.36, subd. 5 this order is the final decision in this matter and a party aggrieved by this decision may seek judicial review as provided in Minn. Stat. § § 14.63 to 14.69.

MEMORANDUM

The Complaint alleges that Minnesota Senator Donald Betzold failed to remove a campaign sign within ten days after the November 7, 2006, general election in violation of Minn. Stat. § 211B.045. According to the Complaint, the sign remains posted at 2516 Ridge Lane in Mounds View.

Minn. Stat. § 211B.045 provides as follows:

Noncommercial sign exemption. In any municipality, whether or not the municipality has an ordinance that regulates the size or number of noncommercial signs, all noncommercial signs of any size may be posted in any number from August 1 in a state general election year until ten days following the state general election.

Section 211B.045 is directed to municipalities. It requires municipalities to permit the posting of campaign signs of any size and number from August 1 until ten days following the state general election. Or, to state it another way, it prohibits municipalities from regulating the posting of campaign signs during this time period. This section does not, as the Complainant alleges, prohibit candidates or committees from posting campaign signs for a longer period of time or require that candidates or committees remove their campaign signs within ten days after the state general election.

Because Minn. Stat. § 211B.045 is directed at municipalities and not at candidates or their committees, the Complaint must be dismissed. The Complaint may, however, state a violation of the Mounds View City Ordinances,¹ and the Complainant may wish to contact the Mounds View City Council to ascertain the process for filing a complaint with it. The Administrative Law Judge has no jurisdiction to consider violations of city ordinances because the campaign complaint process is limited to alleged violations of Minnesota Statutes Chapters 211A and 211B. Because there is nothing within either Chapter 211A or 211B that requires candidates or committees to remove their campaign signs within ten days following the state general election, the Complaint is dismissed.

R.C.L.

¹ See Mounds View City Ordinance § 1008.10, subd. 7.